

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON

BARBARA JUN, an individual,
Plaintiff,

v.

REDDIT, INC., a Delaware corporation,
Defendant.

Case No.

NOTICE OF REMOVAL

28 U.S.C. § 1332, 1332, 1441, 1446(c)

TO: Clerk of the Court;

AND TO: Barbara Jun, Plaintiff;

AND TO: David C. Martin, MBE Law Group PLLC, Plaintiff's attorneys of record.

PLEASE TAKE NOTICE that Defendant Reddit, Inc. ("Reddit" or "Defendant"), by this Notice, now effects the removal of the state action (filed on April 8, 2024, Cause No. 24-2-07705-7 SEA) described below from the Superior Court of the State of Washington in and for the County of King to the United States District Court for the Western District of Washington at Seattle. This removal is based upon complete diversity of citizenship of the parties, *see* 28 U.S.C. §§ 1332(a), 1441(b), and on the existence of a federal question, *see* 28 U.S.C. §§ 1331, 1441(a), and is timely under 28 U.S.C. § 1446.

In support of their Notice of Removal, Defendant provides the following information:

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JURISDICTION

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2 1. This Court has jurisdiction over this civil action pursuant to 28 U.S.C. § 1332(a),
3 and is one which may be removed to this Court pursuant to the provisions of 28 U.S.C. § 1441(a),
4 in that it is a civil action between citizens of different states and the amount in controversy exceeds
5 the sum of \$75,000, exclusive of interests and costs.

6 2. This Court has jurisdiction over this civil action pursuant to 28 U.S.C. § 1331 and
7 is one which may be removed to this Court pursuant to the provisions of 28 U.S.C. § 1441(a), in
8 that it is a civil action with the existence of a federal question.

9 3. Reddit, Inc. is the only Defendant, is represented by the undersigned counsel, and
10 consents to removal. As set forth below, this case meets all of the requirements for removal based
11 on diversity jurisdiction and federal question jurisdiction and is timely and properly removed by
12 requirements for removal and is timely and properly removed by the filing of this Notice.

PLEADINGS

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14 4. On April 8, 2024, Plaintiff initiated a civil action in King County Superior Court
15 by filing a copy of the Summons and Complaint with that Court. A true and correct copy of the
16 Complaint ("Complaint") is attached as **Exhibit 1**. A true and correct copy of the Summons is
17 attached as **Exhibit 2**. A true and correct copy of the Order Setting Civil Case Schedule is attached
18 as **Exhibit 3**. A true and correct copy of the Case Information Cover Sheet and Area Designation
19 is attached as **Exhibit 4**. A true and correct copy of the Affidavit of Service is attached as **Exhibit**
20 **5**.

21 5. By signing this Notice of Removal, counsel for Defendant verifies that the above-
22 described items attached hereto are true and complete copies of the records and proceedings that
23 Defendant has received in the state court proceeding.

24 6. Counsel for Plaintiff first served Reddit with a copy of the Summons and Complaint
25 on April 10, 2024. This Notice of Removal is timely as it is made within 30 days of receipt of a
26

1 copy of the pleading, motion, order or other paper from which it may first be ascertained that the
2 case is one which is or has become removable. 28 U.S.C. § 1446(b).

3 7. Venue is proper (for purposes of removal) in the Western District of Washington
4 at Seattle. Venue is proper in this District because this is the District Court of the United States
5 for the District encompassing the place where the action is pending. 18 U.S.C. § 1441. Venue is
6 proper in Seattle because the cause of action arose in King County. *See* Western District of
7 Washington Local Civil Rule 3(d)(2).

8 **DIVERSITY OF CITIZENSHIP**

9 **A. Plaintiff is a Washington Citizen**

10 8. For diversity purposes, an individual is a “citizen” of the State in which he or she
11 is domiciled. *Kantor v. Wellesley Galleries, Ltd.*, 704 F.2d 1088, 1090 (9th Cir. 1983). A person’s
12 domicile is his permanent home, where he resides with the intention to remain or to which he
13 intends to return. *Kanter v. Warner-Lambert Co.*, 265 F.3d 853, 857 (9th Cir. 2001). Plaintiff
14 alleges that at all relevant times to the allegations set forth in the Complaint, she was a resident of
15 King County, Washington. Complaint, ¶ 2. Plaintiff resides in this state with the intention to
16 permanently remain here, and therefore, Plaintiff is a citizen of the State of Washington. *See*
17 Complaint, ¶ 2.

18 **B. Defendant is Not a Washington Citizen**

19 9. For diversity purposes, a corporation is a citizen only of (1) the state where its
20 principal place of business is located, and (2) the state in which it is incorporated. *Johnson v.*
21 *Columbia Properties Anchorage*, 437 F.3d 894, 899 (9th Cir. 2006) (citing 28 U.S.C.
22 § 1332(c)(1)).

23 10. Reddit is a Delaware limited liability company. *See* Declaration of Sedric Bailey ¶
24 2.

25 11. At the time this action was commenced (and continuing to today), Reddit’s
26 principal place of business under the “nerve center” test is San Francisco, California, where Reddit

1 has its headquarters. *See Hertz Corp. v. Friend*, 599 U.S. 77, 80–81 (2010) (a corporation’s
 2 principal place of business, or “nerve center,” will typically be where its headquarters is located).
 3 *See Declaration of Sedric Bailey* ¶ 3.

4 12. Accordingly, for purposes of diversity of citizenship, Defendant is a citizen of
 5 California (and not of Washington). *Johnson*, 437 F.3d at 899.

6 **AMOUNT IN CONTROVERSY**

7 13. This action is a civil action over which this Court has original jurisdiction under
 8 28 U.S.C. § 1332(a), and is one which may be removed to this Court pursuant to the provisions of
 9 28 U.S.C. § 1441(a), in that it is a civil action between citizens of different states and the matter in
 10 controversy exceeds the sum of \$75,000, exclusive of interests and costs.

11 14. Plaintiff’s Complaint seeks an award of damages for all economic and non-
 12 economic losses including damages to compensate her for alleged lost wages and emotional
 13 distress. Ex. 1, Complaint at XII. In addition to her claimed damages in this action as stated above,
 14 Plaintiff’s Complaint also requests that the Court award her “liquidated damages under WPFLMA
 15 and FMLA,” “costs and reasonable attorney’s fees,” “prejudgment and post-judgment interest,”
 16 and “compensation for the tax consequences associated with a damages award.” *Id.*

17 15. It is well-settled that for purposes of the amount in controversy requirement, “where
 18 an underlying statute authorizes an award of attorneys’ fees . . . such fees may be included in the
 19 amount in controversy.” *Lowdermilk v. U.S. Bank Nat’l Ass’n*, 479 F.3d 994, 1000 (9th Cir. 2007).
 20 Further, a reasonable estimate of future attorneys’ fees should be included in the amount in
 21 controversy analysis. *See e.g., Fritsch v. Swift Transp. Co. of Ariz., LLC*, 899 F.3d 785, 794-795
 22 (9th Cir. 2018) (if a plaintiff would be entitled under a contract or statute to future attorneys’ fees,
 23 such fees are at stake in the litigation and should be included in the amount in controversy, and
 24 district courts may estimate such fees based on their own knowledge and experience); *Arias*, 936
 25 F.3d at 927-28 (reaffirming *Fritsch*). If this case was litigated to conclusion, Plaintiff’s attorneys’
 26 fees would far exceed \$75,000.

16. For these reasons, Plaintiff's requests for relief, in the aggregate, exceed the \$75,000 requirement for federal jurisdiction over this matter under 28 U.S.C. § 1332(a).

FEDERAL QUESTION

17. Plaintiff’s Complaint purports to allege a violation of the Family and Medical Leave Act 29 U.S.C. §§ 2601–2619 (“FMLA”). Ex. 1, Complaint ¶¶ 39 – 43. Further, Plaintiff’s Complaint alleges two violations of the Americans with Disabilities Act, 42 U.S.C. § 1201 (“ADA”). *Id.* at ¶¶ 44 – 50.

18. Because Plaintiff's Complaint raises federal questions, this Court has jurisdiction over this action under 28 U.S.C. § 1331. Furthermore, the Court has supplemental jurisdiction over Plaintiff's state law claims under 28 U.S.C. § 1367 because these state law claims are so related to the federal claims as to form part of the same case or controversy under Article III of the U.S. Constitution.

RESERVATION OF RIGHTS

19. Nothing in this Notice of Removal is intended to waive any defense, including but not limited to insufficient service of process, insufficient process, or lack of personal jurisdiction.

WHEREFORE, Defendant respectfully requests that this action now pending in the King County Superior Court, State of Washington, be removed to the United States District Court for the Western District of Washington at Seattle.

In the event this Court should be inclined to remand this action, Defendant requests that the Court issue an order to show cause why the case should not be remanded, giving the parties an opportunity to present proper briefing and argument prior to any possible remand. Because a remand order is not subject to appellate review, such a procedure is appropriate.

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1 Dated: May 10, 2024

2 s/ Derek A. Bishop

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4 s/ Nina Stroescu

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10 *Attorneys for Defendant*

CERTIFICATE OF SERVICE

I am a resident of the State of Washington. I am over the age of eighteen years and not a party to the within-entitled action. My business address is One Union Square, 600 University Street, Suite 3200, Seattle, Washington 98101. I hereby certify that on May 10, 2024, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

Attorneys for Plaintiff

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I certify under penalty of perjury under the laws of the United States and of the State of Washington that the foregoing is true and correct.

Executed on May 10, 2024, at Seattle, Washington.

/s/ Noemi Villegas

Noemi Villegas

Nvillegasdiaz@littler.com

LITTLER MENDELSON, P.C.